

1 **THE COURT:** Mr. Eric Lino, after careful
2 consideration of all the factors called out in 18 United
3 States Code, Section 3553, the information from the United
4 States Attorney, your attorney, the probation officer and
5 yourself, this Court sentences you to twelve years, 144
6 months, in the custody of the United States Attorney General
7 on each of the counts of conviction. The Court runs each of
8 the counts of conviction concurrent one with the other. The
9 Court runs both of these sentences concurrent with the
10 sentence you are now serving.

11 The Court imposes upon you eight years of
12 supervised release following your release from custody. The
13 Court imposes a \$200 special assessment as required by the
14 law. The Court imposes no fine due to your inability to pay
15 a fine.

16 During the period of your supervised release you
17 shall submit to the collection of a DNA sample. You are
18 prohibited from possessing a firearm or other dangerous
19 weapon. You're to participate in a program for substance
20 abuse which program may include testing not to exceed 104
21 drug tests per year. You may be required to pay to the
22 extent you are able for the costs of such program.

23 Let me explain this sentence to you. This sentence
24 is less than the advisory guidelines. It's less, somewhat
25 less, for only one reason. It's less because in the careful

1 consideration of this Court the calculation as required by
2 the advisory guidelines of your prior criminal record,
3 though properly calculated by the probation office,
4 overstates the extent of your criminality. And for that
5 reason and that reason alone this Court gives a proper
6 guidelines sentence, albeit it includes a departure as
7 permitted by the guidelines.

8 Most important, this is a reasonable sentence. The
9 jury found you guilty of distributing more than 3.5
10 kilograms of cocaine. The damage to society,
11 notwithstanding that these were consensual buys, is
12 extensive and it continued over a long period of time. This
13 twelve year sentence is an appropriate sentence.

14 I have considered also whether to give credit for
15 the time you are now serving due to your violation of the
16 laws of the Commonwealth of Massachusetts and concluded as
17 matter of law that I cannot do so. I make the sentence,
18 however, run concurrent with the remainder of the sentence
19 you are now serving.

20 You have the right to appeal from any findings or
21 rulings this Court has made against you. Should you appeal
22 and should your appeal be successful in whole or in part
23 sentencing will be before another judge of this Court.

24 That's the sentence of the Court.

25 **MR. WILSON:** Just, just so it's clear, Judge, he

1 got the same sentence as the high end of the guidelines
2 given that he's already done two and-a-half years.

3 **THE COURT:** That's the sentence of the Court.

4 **MR. WILSON:** Well, I understand it's the sentence
5 of the Court. I am just making my statement.

6 (Pause in proceedings.)

7 **THE COURT:** Yes. We'll take a brief recess.

8 **THE CLERK:** All rise.

9 (Whereupon the matter concluded.)
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